

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BRIGITTE DIANE HOWARD,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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CIVIL ACTION NO. 1:20-CV-00304-MJT

JUDGE MICHAEL TRUNCALE

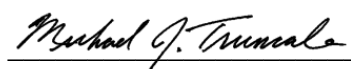
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending is the Plaintiff, Brigitte Diane Howard's, Motions for Attorney's Fees (Doc. Nos. 24 and 26). Magistrate Judge Zack Hawthorn issued a report recommending that the request be granted. (Doc. No. 29.) Neither party filed objections to the magistrate judge's report.

It is therefore ORDERED that the Report and Recommendation of the magistrate judge is ADOPTED and Plaintiff's motion (Doc. No. 26) is GRANTED. It is further ORDERED that:

1. Plaintiff's application for attorney's fees (Doc. No. 26) is granted in the amount of \$15,925.50, which represents 25% of her past-due award pursuant to the contingency fee agreement and in accordance with Social Security Act § 206(b)(1) and 42 U.S.C. § 406(b)(1);
2. This award be subject to any beneficial, contractual and/or assignment-based interests held by the Plaintiff's attorney; and
3. The § 406(b) fees shall be paid out of Plaintiff's past-due benefits in accordance with agency policy and Plaintiff's counsel must refund any EAJA fee received in this matter; and
4. Plaintiff's first motion for Attorney Fees (Doc. No. 24) is DENIED AS MOOT.

SIGNED this 9th day of April, 2024.



Michael J. Truncala
United States District Judge